

Exhibit 1



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration
Center for Tobacco Products
Document Control Center
Building 71, Room G335
10903 New Hampshire Avenue
Silver Spring, MD 20993-0002

May 4, 2017
Sent Via E-mail

In Response refer to FOIA Request Number: 2017-3646

King & Spalding LLP
Amanda Klingler
1700 Pennsylvania Avenue, NW
Washington, D.C. 20006-4707
aklingler@kslaw.com

Dear Ms. Klingler:

This is in response to your April 18, 2017 request for records(s) from the Food and Drug Administration pursuant to the Freedom of Information Act regarding a copy of the January 23, 2017 executed Memorandum of Agreement between FDA's Center for Tobacco Products and RAI Services Company/Santa Fe Natural Tobacco Company, Inc., resolving the issues raised in CTP's Warning Letter dated August 27, 2015. Your request was received in the Center for Tobacco Products on April 24, 2017.

The documents you have requested are enclosed.

The following charges may be included in a monthly invoice:

*Reproduction: \$0.00 Search: \$11.50 (15 minutes at \$46/hr) Review: \$11.50 (15 minutes at \$46/hr)
Certification: \$0.00 CD: \$0.00 TOTAL: \$23.00.*

DO NOT SEND ANY PAYMENT UNTIL YOU RECEIVE AN INVOICE.

This concludes the response for the Center for Tobacco Products. You have the right to appeal this determination. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision.

Your appeal must be mailed within 90 days from the date of this response, to:

Ms. Catherine Teti
Deputy Agency Chief FOIA Officer
U.S. Department of Health and Human Services
Office of the Assistant Secretary for Public Affairs
Room 729H
200 Independence Avenue, S.W.
Washington, DC 20201

Please clearly mark both the envelope and your letter “**Freedom of Information Act Appeal.**”

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, please contact me by phone at (240) 402-7674, Jennifer German by phone at (301) 796-3484, or either of us at the CTP FOIA electronic mailbox at CTPFOIA@fda.hhs.gov. You may also contact the FDA FOIA Public Liaison for assistance at:

FDA FOIA Public Liaison
Division of Freedom of Information
Office of the Executive Secretariat
5630 Fishers Lane, Room 1050
Rockville, MD 20857
Email: FDAFOIA@fda.hhs.gov

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman’s office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road–OGIS
College Park, MD 20740-6001
Telephone: 202-741-5770 Toll-Free: 1-877-684-6448
E-mail: ogis@nara.gov Fax: 202-741-5769

Sincerely,

Angel M.
Simmons -S

Digitally signed by Angel M. Simmons -S
DN: c=US, o=U.S. Government, ou=HHS,
ou=FDA, ou=People,
0.9.2342.19200300.100.1.1=2001943878,
cn=Angel M. Simmons -S
Date: 2017.05.04 13:51:05 -04'00'

Angel Simmons
FOIA Chief, Office of Health Communication and Education
Center for Tobacco Products
Food and Drug Administration

Enclosures